

REMARKS

Claims 1, 3, 4 and 19 are pending in this application. Claims 2 and 5-18 are cancelled without prejudice or disclaimer. No new matter is added.

Rejection of the Claims under 35 U.S.C. § 102(e).

Claims 1, 3, 4 and 19 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Yano et al., U.S. Patent No. 6,858,367 ("Yano"). Applicants respectfully traverse this rejection.

Yano is not prior art to the present application under 35 U.S.C. § 102(e). Applicants properly claimed priority to Japanese Patent Application No. 2002-309635 which was filed on October 24, 2002. Yano was filed in the U.S. on February 26, 2003. Thus, the Japanese priority date of the present application predates the U.S. filing date of Yano.

To perfect the present application's claim of priority, applicants file herewith an English language translation of the priority document, Japanese Patent Application No. 2002-309635 and a certification that the document is a true copy of the application. Applicants also assert that the priority document satisfies the enablement and description requirements of 35 U.S.C. § 112, first paragraph. In view thereof, applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 4 and 19 under 35 U.S.C. § 102(e) in view of Yano.

Rejection of the Claims under 35 U.S.C. § 103(a).

Claims 1, 3, 4 and 19 were also rejected on the ground of non-statutory obviousness double-patenting as being unpatentable over claim 10 of Yano.

Applicants respectfully traverse this rejection.

In claim 10 of Yano, R17 of chemical formula (17) is selected from a plurality of materials. In contrast, in the present invention, the portion is substantially limited. Therefore, applicants respectfully submit that the conflicting claims are patentably distinct and request that the rejection be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5182.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit

Account No. **13-4500**, Order No. 1232-5182.



Dated: February 16, 2007

Respectfully submitted,
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